20

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ
& HON'BLE SHRI D.R. DESHMUKH, J.

Misc. Appeal NO.1432 OF 2005

APPELLANT CLAIMANTS		Kumari Bai, aged about 33 years W/o Shri Sewaram Sahu R/o Kunda, Tah. Pandariya At present Residing in Thakker Baba Ward, Mungeli, Distt. Bilaspur (C.G.)

VERSUS

RESPONDENTS OWNER	1.	Sheikh Mustak Ahmed Aged about 33 yrs. S/o Md. Abdulla R/o Kunda, Tah. Pandariya Distt. Kawardha (C.G.)
Driver	2.	Salik Ram Sahu Aged about 38 years S/o Shri Paras Ram Sahu R/o Kunda, Tah. Pandariya Distt. Kawardha (C.G.)
Insurer	3.	The New India Assurance (Insurance) Company Limited, Rajendra Nagar Branch Office, Bilaspur (C.G.)

Present: Mr. Ashok Swarnakar, learned counsel for the appellant.

ORAL ORDER
(Passed on 18th January 2006)

The following oral order of the Court was passed by

D.R. DESHMUKH, J :

In a personal injury case, the learned MACT has awarded a compensation of Rs.1,45,462/-. The only grievance of the appellant is that the learned MACT has ignored the fact that the appellant had suffered permanent disability of 40%. Learned counsel for the

appellant submitted that the compensation awarded is very much on lower side. However, on a perusal of the record, we find that no medical evidence was adduced by the appellant before the MACT for proving the fact of permanent disability of 40% sustained by her. Time and again, we have reiterated that in a claim case where the claimant alleges sufferance of permanent disability, it is absolutely essential for the claimant to examine the Doctor concerned and also to prove by adducing legal, reliable and cogent evidence that the claimant had suffered permanent disability. In the absence of any medical evidence adduced by the claimant in this case, we are of the considered opinion that the compensation awarded by the learned MACT cannot be faulted with. The appeal is devoid of merit and it is accordingly dismissed at the stage of motion. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

subk